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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Rodney Nowell Blalock,)	Case No. 1:21-cv-00144-EPG
)	
Plaintiff,)	JOINT MOTION AND ORDER FOR
)	MODIFICATION OF SCHEDULING
vs.)	ORDER
)	
Kilolo Kijakazi, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	
)	
)	

COME NOW THE PARTIES, Plaintiff, by and through his counsel, Jonathan O. Peña, and Defendant Kilolo Kijakazi, Acting Commissioner of Social Security, by and through her counsel, Phillip A. Talbert, Acting United States Attorney, and Ellinor R. Coder, Special Assistant U.S. Attorney, hereby jointly move the Court for an Order modifying the scheduling order as follows: Plaintiff shall have a 60-day extension of time, from September 30, 2021 to November 29, 2021, for Plaintiff to serve on defendant with Plaintiff's Opening Brief. Defendant shall have until January 28, 2022, to file a responsive brief. Plaintiff's optional Reply Brief shall be due no later than February 14, 2022.

1 There is good cause for this request. The parties have carefully reviewed the record and
2 meaningfully completed the settlement exchange in accordance with the Scheduling Order, but
3 have not been able to come to resolution on this matter. Counsel for Plaintiff has recently
4 received a greater number of Answers and Certified Administrative Records from defendant in
5 cases in this district, and the three other California Districts, each of which require settlement
6 negotiations or merit briefing. Counsel has a greater than usual number of merit briefs due in
7 September 2021 and October 2021.

8 The same is true for Defendant's counsel. Due to ongoing high volumes of program
9 litigation and multiple departures of experienced counsel from the agency, on emergency
10 medical leave, or on long-term family leave, the undersigned received 14 new cases at various
11 stages of litigation in recent weeks in addition to existing matters. As of September 14, 2021, the
12 Region IX Office of the General Counsel has 404 district court cases for which Plaintiffs' briefs
13 are received and for which the Commissioner's response is due in the next sixty days. Though
14 the Region IX Office provides a full range of legal services as counsel for SSA, the Region IX
15 Office is focusing its efforts on processing other workloads (such as employee conduct, ethics,
16 Privacy Act and disclosure, and torts) on only those matters that are subject to statutory,
17 regulatory, and court deadlines.

18 Management in the Office of the General Counsel has designated District Court program
19 litigation work as 40 percent of the undersigned's workload. The undersigned also has appellate
20 assignments, coordinates litigation efforts in this District in conjunction with the U.S. Attorney's
21 Office, is training and supporting attorneys and staff from three additional regional Offices of the
22 General Counsel who are supporting program litigation in this District, and supports ongoing
23 fraud matters as part of a national working group. Further, the undersigned is balancing Coast
24 Guard Reserve duties as a member of the emergency management staff in Alameda, California.

25 For these reasons, the parties respectfully and jointly request this modification to the
26 Scheduling Order as outlined above.

Respectfully submitted,

Dated: September 22, 2021

PENA & BROMBERG, ATTORNEYS AT LAW

By: /s/ Jonathan O. Peña
JONATHAN O. PEÑA
Attorneys for Plaintiff

Dated: September 22, 2021

PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Ellinor R. Coder
Ellinor R Coder
Special Assistant United States Attorney
Attorneys for Defendant
(*As authorized by email on September 22, 2021)

ORDER

Pursuant to the parties' stipulation (ECF No. 16), IT IS HEREBY ORDERED that Plaintiff shall file and serve an opening brief by November 29, 2021, Defendant shall file and serve a responsive brief by January 28, 2022, and Plaintiff shall file and serve a reply, if any, by February 14, 2022.

IT IS SO ORDERED.

Dated: **September 23, 2021**

/s/ Eric P. Goss
UNITED STATES MAGISTRATE JUDGE